United Nations A/C.3/67/L.15

General Assembly

Distr.: Limited
11 October 2012

Original: English

Sixty-seventh session
Third Committee
Agenda item 103
Crime prevention and criminal justice

Italy: draft resolution

Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

The General Assembly,

Reaffirming its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 65/169 of 20 December 2010, 65/190 of 21 December 2010 and 66/181 of 19 December 2011,

Reaffirming also its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime[1] and the Protocols thereto,[2] the United Nations Convention against Corruption[3] and all the international conventions and protocols against terrorism,

Reaffirming further the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,[4] and its successive biennial reviews,[5]

Emphasizing that its resolution 65/187 of 21 December 2010 on the intensification of efforts to eliminate all forms of violence against women and its resolution 65/228 of 21 December 2010 on strengthening crime prevention and criminal justice responses to violence against women, by which it adopted the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, have

[1] United Nations, *Treaty Series*, vols. 2225, No. 39574.
[2] Ibid., vols. 2237, 2241 and 2326, No. 39574.
[3] Ibid., vol. 2349, No. 42146.
[4] Resolution 60/288.
[5] See resolution 62/272; see also *Official Records of the General Assembly, Sixty-second Session, Plenary Meetings*, 117th to 120th meetings (A/62/PV.117-120), and corrigendum.

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considerable implications for the United Nations crime prevention and criminal justice programme and its activities,

Recalling the adoption of its resolution 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), and encouraging in this regard efforts of Member States to conduct further study with a view to utilizing these practical measures,

Recalling also the adoption of its resolution 65/230 of 21 December 2010 on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which it endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,

Recalling the adoption by the Economic and Social Council of resolution 2012/17 of 26 July 2012 on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,

Recalling its resolution 66/177 of 19 December 2011 on strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities, in which it urged States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[6] the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to apply fully the provisions of those Conventions, in particular measures to prevent and combat money-laundering, including by criminalizing the laundering of proceeds of transnational organized crime,

Taking into consideration all relevant Economic and Social Council resolutions, in particular resolutions 2012/12, 2012/13, 2012/14, 2012/15, 2012/16, 2012/17, 2012/18 and 2012/19 of 26 July 2012, and all those relating to the strengthening of international cooperation, as well as the technical assistance and advisory services of the United Nations crime prevention and criminal justice programme of the United Nations Office on Drugs and Crime in the fields of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

Recalling its resolution 66/180 of 19 December 2011 on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, in which it urged Member States and relevant institutions to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property and related offences, such as the theft, looting, damage, removal, pillage and destruction of cultural property, and to facilitate the recovery and the return of stolen cultural property,

Recalling also the adoption of its resolution 64/293 of 30 July 2010 on the United Nations Global Plan of Action to Combat Trafficking in Persons, reaffirming the need for the full implementation of the Global Plan of Action, expressing the

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[6] United Nations, *Treaty Series*, vol. 1582, No. 27627.

view that it will, inter alia, enhance cooperation and better coordination of efforts in fighting trafficking in persons and promote increased ratification and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[7] and welcoming the work of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children,

Noting with appreciation the establishment by the Secretary-General of the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability, for the purpose of developing within the United Nations system an effective and comprehensive approach to transnational organized crime and drug trafficking, and reaffirming the crucial role of Member States in this regard, as reflected in the Charter of the United Nations,

Expressing its grave concern at the negative effects of transnational organized crime, including smuggling of and trafficking in human beings, narcotic drugs and small arms and light weapons, on development, peace and security and human rights, and at the increasing vulnerability of States to such crime,

Convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners, and stressing that such responses should take into account the human rights and best interests of children and young people, as called for in the Convention on the Rights of the Child[8] and the Optional Protocols thereto,[9] where applicable, and in other relevant United Nations standards and norms in juvenile justice, where appropriate,

Concerned by the serious challenges and threats posed by the illicit trafficking in firearms, their parts and components and ammunition, and concerned about its links with other forms of transnational organized crime, including drug trafficking and other criminal activities, including terrorism,

Deeply concerned about the connections, in some cases, between some forms of transnational organized crime and terrorism, and emphasizing the need to enhance cooperation at the national, subregional, regional and international levels in order to strengthen responses to this evolving challenge,

Concerned about the growing degree of penetration of criminal organizations and their proceeds into the economy,

Recognizing that actions against transnational organized crime and terrorism are a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

Emphasizing that transnational organized crime must be addressed in full respect for the principle of the sovereignty of States and in accordance with the rule

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[7] Ibid., vol. 2237, No. 39574.

[8] Ibid., vol. 1577, No. 27531.

[9] Ibid., vols. 2171 and 2173, No. 27531.

of law as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socioeconomic conditions,

Expressing deep concern for the escalating poaching and wildlife trafficking of endangered and protected species, and emphasizing the need to combat wildlife trafficking by strengthening international cooperation, capacity-building, criminal justice and law enforcement efforts,

Encouraging Member States to develop, as appropriate, comprehensive crime prevention policies based on an understanding of the multiple factors that contribute to crime and to address such factors in a holistic manner,

Recognizing the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime between all relevant priorities identified by the General Assembly and the Economic and Social Council,

Recognizing also that, thanks to its broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime offers an important basis for international cooperation, inter alia for extradition, mutual legal assistance and confiscation, and represents in this regard a useful tool that should be further utilized,

Mindful of the need to ensure universal adherence to and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and urging States parties to make full and effective use of these instruments,

Welcoming the adoption by the United Nations Office on Drugs and Crime of a regional approach to programming, based on continuing consultations and partnerships at the national and regional levels, particularly on its implementation, and focused on ensuring that the Office responds in a sustainable and coherent manner to the priorities of Member States,

Recognizing the general progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and assistance to requesting Member States in the areas of crime prevention and criminal justice reform, corruption, organized crime, money-laundering, terrorism, kidnapping and trafficking in persons, including the support and protection, as appropriate, of victims, their families and witnesses, as well as drug trafficking and international cooperation, with special emphasis on extradition and mutual legal assistance,

Reiterating its concern regarding the overall financial situation of the United Nations Office on Drugs and Crime,

1. *Takes note with appreciation* of the report of the Secretary-General prepared pursuant to resolution 66/181;[10]

2. *Encourages* Member States to give adequate consideration to the linkages between crime prevention and criminal justice and development, especially in the context of preparations for the United Nations development agenda beyond 2015 and the implementation of the outcome document of the United Nations Conference on Sustainable Development;[11]

[10] A/67/156.

[11] Resolution 66/288, annex.

3. *Welcomes* the decision that the main theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation",[12] and requests Member States to ensure that the Commission on Crime Prevention and Criminal Justice, acting as preparatory body, and the Thirteenth Congress make substantive contributions to the United Nations rule of law activities as well as provide focused input for the United Nations development agenda beyond 2015;

4. *Reaffirms* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[1] as the main tools of the international community to fight transnational organized crime;

5. *Notes with appreciation* that the number of States parties to the United Nations Convention against Transnational Organized Crime[6] has reached one hundred and seventy-two, which is a significant indication of the commitment shown by the international community to combat transnational organized crime;

6. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption[3] and the international conventions and protocols related to terrorism, and encourages States parties and signatories to these conventions and protocols to make efforts towards their full implementation;

7. *Encourages* States parties and signatories to the United Nations Convention against Transnational Organized Crime to develop a mechanism for the review of the implementation of the Convention and the Protocols thereto,[2] and expresses the hope that the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, at its sixth session, will complete the task of establishing such a review mechanism and of launching it as soon as possible, bearing in mind the urgent need to improve the implementation of the Convention and the Protocols thereto;

8. *Notes with appreciation* the work of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international, legal or other responses to cybercrime;

9. *Reaffirms* the importance of the United Nations crime prevention and criminal justice programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, as well as of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices;

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[12] See Economic and Social Council resolution 2012/17.

10. *Recommends* that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, and requests the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, to Member States for this purpose;

11. *Encourages* all States to have national and local action plans for crime prevention in order to take into account, in a comprehensive, integrated and participatory manner, inter alia, factors that place certain populations and places at higher risk of victimization and/or of offending and to ensure that such plans are based on the best available evidence and good practices, and stresses that crime prevention should be considered an integral element of strategies to foster social and economic development in all States;

12. *Calls upon* Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter transnational organized crime effectively;

13. *Requests* the United Nations Office on Drugs and Crime to enhance its efforts, within existing resources and within its mandate, in providing technical assistance and advisory services for the implementation of its regional and subregional programmes in a coordinated manner with relevant Member States and regional and subregional organizations;

14. *Also requests* the United Nations Office on Drugs and Crime to continue to provide, within its mandate, technical assistance to Member States, upon their request, in the areas of crime prevention and criminal justice, with a view to strengthening the capacity of national criminal justice systems to investigate and prosecute all forms of crime, to protect the human rights and fundamental freedoms of defendants, as well as the legitimate interests of victims and witnesses, and to ensure access to effective legal aid in criminal justice systems;

15. *Urges* the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, in accordance with United Nations-related instruments and internationally accepted standards, including, where applicable, recommendations of relevant intergovernmental bodies, inter alia, the Financial Action Task Force and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

16. *Urges* Member States to strengthen bilateral, regional and international cooperation to enable the return of assets illicitly acquired from corruption to the countries of origin, upon their request, in accordance with the provisions of the United Nations Convention against Corruption for asset recovery, in particular chapter V, requests the United Nations Office on Drugs and Crime, within its existing mandate, to continue providing assistance to bilateral, regional and international efforts for that purpose, and also urges Member States to combat and penalize corruption, as well as the laundering of its proceeds;

17. *Requests* the United Nations Office on Drugs and Crime to continue to foster international and regional cooperation, including by facilitating the

development of regional networks active in the field of legal and law enforcement cooperation in the fight against transnational organized crime, where appropriate, and by promoting cooperation among all such networks, including by providing technical assistance where it is required;

18. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices and to take advantage of their unique and comparative advantage;

19. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

20. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme,[10] with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime, namely, piracy, cybercrime, the use of new information technologies to abuse and exploit children, trafficking in cultural property, illicit financial flows, environmental crime, including illicit trafficking in endangered species of wild fauna and flora, as well as identity-related crime, and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolution 2012/12 on the strategy for the period 2012-2015 for the Office;

21. *Requests* the United Nations Office on Drugs and Crime, within its existing mandate, to strengthen the regular collection, analysis and dissemination of accurate, reliable and comparable data and information and to continue developing, in close cooperation with Member States, technical and methodological tools and trend analyses and studies to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

22. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations crime prevention and criminal justice programme, to address effectively transnational organized crime, including trafficking in persons, smuggling of migrants and illicit manufacturing of and trafficking in firearms, as well as corruption and terrorism;

23. *Urges* States parties to use the United Nations Convention against Transnational Organized Crime for broad cooperation in preventing and combating criminal offences against cultural property, especially in returning such proceeds of crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention, and invites States parties to exchange information on all aspects of criminal offences against cultural property, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences;

24. *Urges* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating the illicit trafficking in firearms, their parts and components and ammunition, and to support them in their efforts to address its links with other forms of transnational organized crime, through, inter alia, technical assistance;

25. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

26. *Encourages* Member States to support the United Nations Office on Drugs and Crime in continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

27. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates, and also welcomes the outcome of the sixth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;

28. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, including providing information to the conferences regarding compliance with the treaties;

29. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and to discharge its functions as the secretariat of the conferences of the parties to the conventions, the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, in accordance with its mandate;

30. *Encourages* States parties and signatories to the United Nations Convention against Corruption to continue to provide full support to the review mechanism adopted by the Conference of the States Parties to the United Nations Convention against Corruption;

31. *Encourages* Member States to give full effect to the resolutions on the prevention of corruption, on international cooperation and on asset recovery adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session and to support the work carried out by its established subsidiary bodies in this respect;

32. *Reiterates its request* to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen

international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

33. *Requests* that the United Nations Office on Drugs and Crime continue to provide technical assistance to Member States, upon request, to strengthen the rule of law, taking also into account the work undertaken by the Rule of Law Coordination and Resource Group of the Secretariat and other relevant United Nations bodies;

34. *Notes with appreciation* the report of the open-ended intergovernmental expert group on strengthening access to legal aid in criminal justice systems on its meeting held in Vienna from 16 to 18 November 2011,[13] and welcomes the adoption by the Economic and Social Council of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems;[14]

35. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

36. *Requests* the United Nations Office on Drugs and Crime, in collaboration with Member States, to continue to support the enhancement of capacity and skills in the field of forensic sciences, including the setting of standards, and the development of technical assistance material for training, such as manuals, compilations of useful practices and guidelines and scientific and forensic reference material, for law enforcement officials and prosecution authorities, and to promote and facilitate the establishment and sustainability of regional networks of forensic science providers in order to enhance their expertise and capacity to prevent and combat transnational organized crime;

37. *Reiterates* the importance of providing the United Nations crime prevention and criminal justice programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and countries emerging from conflict, in the area of crime prevention and criminal justice reform;

38. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-eighth session on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, reflecting also emerging policy issues and possible responses;

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[13] E/CN.15/2012/17.

[14] Economic and Social Council resolution 2012/15.

39. *Also requests* the Secretary-General to include in the report referred to in paragraph 38 above information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.